

New nonprofit annual report due August 1

In an effort to update records, the Business and Commercial Services Division is collecting annual reports from all non-profit corporations in Arkansas.

Act 569 of 2007 requires all nonprofit corporations to file an annual report which must include the name of the corporation; corporation's jurisdiction; name and address of the corporation's registered agent; address of the corporation's principal office; names of the corporation's principal officers, and names and addresses of the corporation's directors. This annual report will be due by August 1 each year.

The first annual report, for the 2007 reporting year, will be due August 1, 2008. The Business and Commercial Services Division requests immediate information

regarding a current address and contact person.

To help us update addresses on current nonprofit entities, nonprofits should immediately submit contact names and addresses by e-mail to corporations@sos.arkansas.gov, by mail to Business and Commercial Services, Arkansas Secretary of State, State Capitol, Little Rock, AR 72201, or by fax to 501-682-3437.

The nonprofit annual report form is available online at www.sos.arkansas.gov. You may download and mail it to us, or you may request a blank form by mail.

Questions may be directed to the above contacts, or by telephone at 501-682-3409 or toll-free 1-888-233-0325.

Streamlined tax system saves time, effort

As the deadline for paying business franchise taxes nears, the Secretary of State's office continues working to accommodate customers in filing these reports quickly and easily. Technology-conscious businesses are increasingly interested in the efficiency of filing online.

The Secretary of State's office partners with the Information Network of Arkansas (INA) to provide faster and simpler online filing. This year the system includes a new option allowing individual or batch online filers to view or download images of tax reports they filed online in previous years. Information entered in the most recent online filings will automatically appear on current tax forms, streamlining the online filing process.

The Business and Commercial Services Division mailed notices to all online filers, reminding them to file the 2008 annual report. This report and payment of franchise taxes are due by May 1.

Multiple tax filers who use the batch tax filing web application can easily search for

business entities to add to their profiles, update tax contact mailing information when deleting an entity from their profile and download all tax forms filed at one time. Batch filers can also still choose to enter direct payment of tax filings, request the state to direct-bill to their clients or request e-mail statements for taxes filed.

To learn more about simple, user-friendly online franchise tax filing, visit our website at www.sos.arkansas.gov or contact a member of the Arkansas Secretary of State's Business and Commercial Services Division by e-mailing corporations@sos.arkansas.gov or by calling 501-682-3409 or toll-free 1-888-233-0325.

Need a speaker for your next meeting?

**Contact Business and Commercial Services
(501) 682-3409**



Secretary of State Charlie Daniels

We welcome the start of the Business and Commercial Services Division's busy cycle. We are excited to provide the business community with excellent service and assistance during this season filled with activities. Below you will find a short synopsis of what you can expect to find in this publication:

Online Franchise Tax

— Now the business community can view previous year's online tax filings when paying current taxes online. If you are not sure what you filed last year, now it is right at your finger tips. Batch filers enjoy the same privilege with the added ability to download "all" filed images after processing. I'm confident you will find the new enhancements to our system most beneficial while transacting business online.

Nonprofit Corporations

— Must file an annual report for the first time under the new law, Act 569 of 2007. These forms are available online at www.sos.arkansas.gov or by calling our office.

(See LETTER, page 2)

Business and Commercial Services**Frequently Asked Questions**

Q. I am trying to pay my past-due franchise taxes online. Do I also need to pay the 2008 taxes even though they are not due until May 1?

A. Franchise taxes for the current year are due between January 1 and May 1. The 2008 taxes must be paid before the online system will proceed to the payment options.

Q. We have two companies that are merging together under one name. Both of these companies have Corporate Qualifications in your state. What steps need to be done to merge these two companies together?

A. Our office requires a certified copy of the merger from the state of origin

filed within the past 60 days, and the appropriate filing fee.

Q. How does someone get a copy of Articles of Incorporation that were filed with the state?

A. You may request copies from our corporate records division by e-mailing corporations@sos.arkansas.gov, online at www.sos.arkansas.gov, or by calling 501-682-3409.

Q. When I notarize a document, do I only verify the identity of the signer, and not actually read the contents of the documents?

A. It is a good idea to visually scan the document for blanks that are not filled in and other information that could be added after the document has been notarized. You are not required to fully read and understand the document.

Q. How can I file an assumed name certificate at the state level in Arkansas? How much is the filing fee?

A. An assumed name is referred to as a fictitious name filing in our office. For a corporation or LLC the filing fee is \$25.

Q. Does the registration of a fictitious name prevent someone else from incorporating and using that name?

A. No, a fictitious name filed in our office is not protected from use by another entity.

Have a question? E-mail us: corporations@sos.arkansas.gov

LETTER, continued from page 1

The report **does not** require a monetary fee, and the first report is due August 1, 2008.

Notary Seminars – Back by popular demand, the spring schedule for notary seminars has started. They are available in various communities around the state. To view locations, make reservations for a seminar or to request a private seminar of 10 or more go to www.sos.ar.gov/corp_forms_notary_seminars.html. These seminars are free to the public. To date over 3,500 individuals have attended notary seminar classes. The *Arkansas Notary Public Handbook* is a valuable tool free of charge from the BCS office.

Revised Doing Business In Arkansas – If you are interested in starting a business, you will benefit from the second edition of this valuable publication. It explains from beginning to end how to get started, including helpful telephone numbers and websites associated with starting your business. Just call, download from our website or stop by our office to pick up a copy.

I am very proud of the enhancements to our system and improvements in services over the years in the Business and Commercial Services Division. My staff and I invite your comments and welcome your feedback and suggestions.

Free seminar available to notaries public

Arkansas Secretary of State Charlie Daniels announced that staff from the Business and Commercial Services division will again take the popular notary public seminar on the road in spring 2008. Notaries can attend any of 25 free seminars across the state.

March 12	Little Rock, 9 a.m., 1 p.m.
March 19	Rogers, 3 p.m.
March 20	Bentonville, 10 a.m. Fayetteville, 1:30 p.m.
March 25	Texarkana, 10 a.m. Arkadelphia, 2 p.m.
March 27	Hot Springs, 2:30 p.m.
April 1	Conway, 10 a.m. Searcy, 2:30 p.m.
April 10	Fort Smith, 9 a.m. Russellville, 1 p.m.
April 9	Little Rock, 9 a.m., 1 p.m.
April 16	El Dorado, 3 p.m.
April 17	Magnolia, 9 a.m. Camden, 1 p.m.
April 29	Monticello, 9 a.m. Pine Bluff, 1 p.m.

May 8	Harrison, 3 p.m.
May 9	Mountain Home, 10 a.m.
May 14	Little Rock, 9 a.m., 1 p.m.
May 16	Fayetteville, 10:30 a.m.
May 21	Jonesboro, 9 a.m. Paragould, 1 p.m.
May 29	West Memphis, 9 a.m. Forrest City, 1 p.m.

About 3,500 current and prospective notaries public have attended this seminar since its inception in 2005.

Registration is available online at www.sos.arkansas.gov, by e-mailing jarrod.johnson@sos.arkansas.gov or calling 501-682-3409 or toll-free 1-888-233-0325. Registration confirmation will include a seminar location.

Staff will also conduct seminars on-site by request for groups of 10 or more. Private seminar requests can be entered using the website or the contact information above.

NOTARY CORNER



The term *notarization* is a relatively broad term to describe the various duties of commissioned notaries public.

A notary's specific powers include, among others, taking acknowledgements, administering oaths, and certifying affidavits.

The two types of notary certificates associated with these are the acknowledgement form and the "jurat." The use of either form depends on what type of document and action it involves.

Acknowledgements

Taking acknowledgements is perhaps the most common duty of a notary. By executing an acknowledgement, the notary is verifying that the signature being "notarized" is that of the person appearing before the notary and that it was made of his/her own free will. Acknowledgements must appear on all real estate documents and on many contracts. If the acknowledgment certificate is not pre-printed on the document, a certificate in substantially the same form as below must be attached. The following example is the acknowledgement form as prescribed by A.C.A. 16-47-101:

State of (1)

County of (2)

On this the (3) day of (3), 2008, before me, (4), the undersigned notary, personally appeared (5), known to me (or satisfactorily proven) to be the person whose name(s) (6) subscribed to the within instrument and acknowledged that (7) executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

(8)

(9)

Items 1 and 2 make up the venue. The venue notes the geographic location where the notary certificate is completed. For notaries that are commissioned by the State of Arkansas, item 1 is always Arkansas. If the document had been pre-printed with another state's name in this blank, the name of the other state should be marked out and changed to Arkansas. As part of the venue, blank 2 must be filled in with the name of the county where the notarial act takes place. This county may be the same or different from the county the notary is commissioned.

"This date" (item 3) should be the date the acknowledgement is signed. It may be the same date or after the date the attached document is signed. The name of the notary public goes in item 4. It should be the same as the official notary signature and as it appears on the notary seal, on the records of the Secretary of State's office and as it will be signed on the acknowledgment.

The name of the signer of the document is placed in blank 5. If two names are pre-printed in this blank and only one person appears before the notary, the absent person's name should be marked out. The number of persons signing the acknowledgment will determine whether the notary fills in the word "is" or "are" in item 6. Item 7 depends on the number and gender of persons signing the acknowledgment. In this blank either fill in "he," "she" or "they."

The notary's official signature as it appears on the seal and on the records of the Secretary of State's office completes blank number 8.

Under the signature, in item 9, place the title of the person who took the acknowledgement. Write "Notary Public" if it has not already been pre-printed on the document.

After filling in the blanks, the notary should affix his/her official seal to the document under or near the signature. According to Arkansas law, "the seal shall be clear and legible and capable of photographic reproduction." The seal should also contain the notary's commission expiration date. If it does not, the expiration date must be written on the certificate.

Jurats

A "jurat," from the Latin meaning "to swear," is the form associated with documents that require the signer to swear to or affirm the truthfulness of specific statements. These documents include oaths and affidavits. A sample wording for a "jurat" appears below:

State of (1)

County of (2)

Subscribed and sworn (or affirmed) before me this (3) day of (3) 2008, by (5).

(8)

(9)

The contents of the blanks in this example are the same as noted above for the acknowledgement form. The signature and seal requirements are also the same.

The responsibilities of notaries public are very important. For questions or training in the qualifications, responsibilities, and duties of notaries public please contact our office at corporations@sos.arkansas.gov, www.sos.arkansas.gov, or by calling 501-682-3409 or toll-free 1-888-233-0325.

2008 Annual Franchise Tax Reporting

File electronically today

Charlie Daniels
Arkansas Secretary of State
Business and Commercial
Services Division

Deadline: May 1, 2008

Prepare and update your 2008 franchise tax report
online at www.sos.arkansas.gov

Arkansas Secretary of State

If you choose to file by paper and need help
obtaining a form, please contact the Business
and Commercial Services Division.

Phone: 501-682-3409
Toll Free: 888-233-0325
Web: www.sos.arkansas.gov



1401 West Capitol, Suite 250
Little Rock, AR 72201-1094
www.sos.arkansas.gov
(501) 682-3409

3.2008

Presort Standard
U.S. Postage
PAID
Little Rock, AR 72201
Permit No. 2855

If you wish to receive future issues of *Arkansas, Inc.* electronically, send an e-mail to arsos@sos.arkansas.gov.
Please use the subject line "Subscribe BCS" and provide a contact name and number for your business.